



3RW
✓

PATENT

Docket No.: BM-190

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Norbert William Sucke
Serial No: 10/580,789
Filing Date: May 26, 2006
For: ENERGY ABSORPTION ELEMENT
Examiner: Xuan Lan T. Nguyen
Art Unit: 3657

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

RESPONSE

S I R:

Applicant hereby requests a one-month extension of the original shortened statutory period set in the Office Action of March 24, 2009. Please charge the amount of \$130.00 in payment of the government fee for a one-month extension of time, as well as any additional fees or charges required at this time in connection with this application to Patent and Trademark Office Deposit Account No. 11-1835.

05/28/2009 SS1THIB1 00000013 111835 10580789
01 FC:1251 130.00 DA

In response to the election requirement in the Office Action dated March 24, 2009, Applicant hereby provisionally elects the species of Fig. 1 which was identified by the Examiner in the Office Action as Species A. Claims 1 to 4 and 7 to 22 are readable on the elected species. It is noted that the Examiner has indicated that claims 1 and 17 are generic.

Applicant respectfully traverses the election requirement set forth in the Office Action.

The Examiner has taken the position that four figures of the drawing of the present application illustrate different invention, and, thus, do not meet the requirements of Rule 13.1 PCT which requires a unitary invention. Applicant respectfully disagrees with this position because all embodiments shown in the drawing constitute a group of inventions which are related to each other because a single generally inventive idea is realized. In accordance with Rule 13.2 PCT the requirement of the unity of a group of inventions is met if a technical interrelationship exists between the inventions, wherein the internal relationship is reflected in one or more technical features.

Applicant respectfully submits that the unity of invention described above exists in the present application.

Applicant respectfully points out that the unity of invention was confirmed during the prosecution of the international patent application where the PCT Rules apply. In the same manner, the European Patent Office considered the subject of the present application as a unitary subject and issued a patent, namely, EP 1 687 549 B1. The German Patent Office also has acknowledged unity for the same subject matter, as confirmed by DE 103 55 913 B4.

Applicant respectfully submits that a review of the four embodiments of the present application of an energy absorber as illustrated in Figs. 1 through 4 of the application makes clear that all illustrated energy absorbing elements have the following technical features in common:

- More than two extruded multiple-chamber hollow profiles of aluminum or aluminum alloy are present;
- The multi-chamber hollow profiles all have a flat profile cross section with two parallel wide sides and flat narrow sides;
- The multi-chamber hollow profiles are fixedly connected to each other at their parallel wide sides;

- The multi-chamber hollow profiles are arranged in the energy absorbing element in such a way that they are aligned with their wide sides against a possibly acting force (see Figs. 1 through 4 in which the direction in which the force F acts has been shown);
- The multi-chamber hollow profiles have a width B and a height H, wherein the ratio of width to height is in the range of between $B: H = 3:1$ to $B: H = 40:1$;
- The wall thickness of the outer wall of the multi-chamber hollow profiles is in the range of 0.15 to 3 mm.

These identical features can be found in all four embodiments of the invention and claim 1 contains only these features. In other words, claim 1 is a generic claim for the four embodiments of the invention of an energy absorbing element, as mentioned above.

Consequently, it is submitted that for the reasons set forth above, the requirement for an election should be withdrawn.



Respectfully submitted,
FRIEDRICH KUEFFNER

Dated: May 22, 2009

F K
Friedrich Kueffner
Reg. No. 29,482
317 Madison Avenue
Suite 910
New York, N.Y. 10017
(212) 986-3114

Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on May 22, 2009

By:

F K

Friedrich Kueffner

Date: May 22, 2009